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Attorneys for Defendants
 BROOKDALE SENIOR LIVING INC.
 and BROOKDALE SENIOR LIVING
 COMMUNITIES, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

STACIA STINER, et al.,
 Plaintiffs

v.

BROOKDALE SENIOR LIVING, INC.;
 BROOKDALE SENIOR LIVING
 COMMUNITIES, INC.; and DOES 1 through
 100,
 Defendants.

Case No. 4:17-cv-03962-HSG

**STIPULATION AND ORDER RE
 CASE SCHEDULE (as modified)**

STIPULATION

WHEREAS, on August 24, 2023, the Court conducted a case management conference in this case at which it directed the parties to meet and confer regarding the case schedule, including the timing of certain motions and the pre-trial schedule and trial date, and submit 1) a joint filing that outlines the case schedule each party proposed on the record and 2) a stipulation and proposed order setting a briefing schedule on Plaintiffs' anticipated motion for reconsideration and motion for leave to file a motion for certification of facility-level subclasses. (ECF No. 636);

WHEREAS, the parties have met and conferred and reached agreement both as to the motion deadlines and the pre-trial and trial schedule;

NOW, THEREFORE, IT IS HEREBY STIPULATED, subject to this Court's approval, as follows:

- (1) On or before October 19, 2023, Plaintiffs will file and serve their motion for leave to file a Fourth Amended Complaint consistent with their counsel's representations during the case management conference, provided that, should the parties reach agreement on the proposed amendments and form of the complaint, they will submit a stipulation and proposed order by that date for the Court's consideration, allowing Plaintiffs to file the Fourth Amended Complaint.
- (2) On or before October 19, 2023, Plaintiffs will file and serve their motion for leave to file a renewed motion for class certification.¹ Plaintiffs intend to file their motions in accordance with applicable standards under Fed. R. Civ. Proc. 26(c)(1)(C) and case law regarding further class certification motions and/or reconsideration as appropriate.

¹ By virtue of agreeing to this deadline, Defendants do not agree that Plaintiffs have permission to move for leave to file a renewed motion for class certification with respect to Plaintiffs' CLRA and UCL claims (referred to as the "Misleading Statements and Omissions Class" in the Court's March 3, 2023 order on class certification [ECF No. 593]). It is Defendants' position that the Court instructed Plaintiffs to file a motion for reconsideration with respect to this putative class. However, Plaintiffs do not intend to move for reconsideration and instead intend to include in their motion for leave a request to renew certification of the Misleading Statements and Omissions Class (including by attaching the proposed motion as an exhibit).

- 1 (3) Defendants will file and serve any opposition to Plaintiffs' motion for leave to file
2 a renewed motion for class certification on or before November 9, 2023;
3 (4) Plaintiffs' reply in support of their motion for leave to file a renewed motion for
4 class certification will be filed on or before November 20, 2023.
5 (5) The other pretrial deadlines and trial date shall be as follows:
6 a. February 1, 2024 - fact discovery cut-off
7 b. April 1, 2024 – expert discovery cut-off
8 c. May 16, 2024 – dispositive motions deadline
9 d. August 12, 2024 (or such later date as the Court is available and deems
10 appropriate) – pretrial conference
11 e. September 9, 2024 (or such later date as the Court is available and deems
12 appropriate) – trial.
13

14 IT IS SO STIPULATED.
15

16 DATED: August 31, 2023

SCHNEIDER WALLACE
COTTRELL KONECKY LLP

17
18 By: /s/ Guy B. Wallace
Guy B. Wallace

19 DATED: August 31, 2023

ROSEN BIEN
GALVAN & GRUNFELD LLP

20
21 By: /s/ Gay Crosthwait Grunfeld
22 Gay Crosthwait Grunfeld

23 DATED: August 31, 2023

STEBNER GERTLER
GUADAGNI & KAWAMOTO

24
25 By: /s/ Kathryn Ann Stebner
Kathryn Ann Stebner

26 Attorneys for Plaintiffs and the Proposed Classes
27
28

1 DATED: August 31, 2023

MOORE & LEE, LLP

2 By: /s/ Erica Rutner

3 Erica Rutner

4 DATED: August 31, 2023

SEYFARTH SHAW LLP

5 By: /s/ Michael Jacobsen

6 Michael Jacobsen

7 Attorneys for Defendants

8
9 **ATTORNEY ATTESTATION**

10 Pursuant to Local Rule 5-1(i)(3), I attest that all other signatures listed, in whose behalf
11 this filing is submitted, concur in the filing's content and have authorized the filing.
12

13 Dated: August 31, 2023

/s/ Gay Crosthwait Grunfeld

14 Gay Crosthwait Grunfeld

15
16 **CERTIFICATE OF SERVICE**

17 I hereby certify that I electronically filed the foregoing document(s) with the Clerk of the
18 Court for the United States District Court, Northern District of California, by using the Court's
19 CM/ECF system on August 31, 2023.

20 I certify that all participants in the case are registered CM/ECF users and that service will
21 be accomplished by the Court's CM/ECF system.

22
23 Dated: August 31, 2023

/s/ Gay Crosthwait Grunfeld

24 Gay Crosthwait Grunfeld


ORDER

The Court, having considered the above Stipulation of Plaintiffs and Defendants and good cause appearing therefor, **IT IS HEREBY ORDERED** as follows:

- (1) Unless the parties stipulate to the filing of a Fourth Amended Complaint, Plaintiffs shall file and serve their motion for leave to file their Fourth Amended Complaint on or before October 19, 2023. Should the parties reach agreement, they will submit a stipulation and proposed order by that date for the Court's consideration, granting Plaintiffs leave to file the Fourth Amended Complaint;
- (2) Plaintiffs shall file and serve their motion for leave to file a renewed motion for class certification on or before October 19, 2023;
- (3) Defendants' opposition to Plaintiffs' motion for leave to file a renewed motion for class certification is due on or before November 9, 2023;
- (4) Plaintiffs' reply in support of their motion for leave to file a renewed motion for class certification is due on or before November 20, 2023;
- (5) The other pretrial dates and deadlines are set as follows:
 - a. February 1, 2024 - fact discovery cut-off
 - b. April 1, 2024 – expert discovery cut-off
 - c. May 16, 2024 at 2:00 p.m.– dispositive motions hearing deadline;
- (6) The pretrial conference in this case is scheduled for August 13, 2024 at 3:00 p.m.;
- (7) Trial is set for September 9, 2024 at 8:30 a.m.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 9/6/2023


HON. HAYWOOD S. GILLIAM, JR.
United States District Judge